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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [CA](#)
SUBJECT: CANADA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. STATE 59732
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Canada of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Canada and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than OOB local time Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Canada of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Canada,s country narrative in the 2009 TIP Report:

CANADA (TIER 1)

Canada is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Canadian women and girls, many of whom are aboriginal, are trafficked internally for commercial sexual exploitation. Foreign women and children, primarily from Asia and Eastern Europe, are trafficked to Canada for commercial sexual exploitation, but victims from Africa, Latin America, and the Caribbean also have been identified. Many trafficking victims are from Thailand, Cambodia, Malaysia, Vietnam, China, South Korea, the Philippines, Russia, and Ukraine. Asian victims tend to be trafficked more frequently to Vancouver and Western Canada, while Eastern European and Latin American victims are trafficked to Toronto, Montreal, and Eastern Canada. NGOs report that Canada is a destination country for foreign victims trafficked for labor exploitation; some labor victims enter Canada legally but then are subjected to forced labor in agriculture, sweatshops, or as domestic servants. A significant number of victims, particularly South Korean females, transit Canada en route to the United States. Canada also is a source country for child sex tourists, who travel abroad to engage in sex acts with minors. Canada is reported to be a destination country for sex tourists, particularly from the United States.

The Government of Canada fully complies with the minimum standards for the elimination of trafficking. During the past year, the Canadian government maintained strong victim protection and prevention efforts, and demonstrated modest progress in prosecuting and punishing trafficking offenders, securing five trafficking-specific convictions during the past year. Law enforcement personnel, however, reported difficulties with securing adequate punishments against offenders.

Recommendations for Canada: Intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; increase use of proactive law enforcement techniques to investigate trafficking cases, including allegations of labor trafficking; increase efforts to investigate and prosecute Canadians suspected of committing child sex tourism crimes abroad; provide greater protection and services for foreign trafficking victims; improve coordination among national and provincial governments on law enforcement and victim services; and improve data collection.

Prosecution

The Government of Canada demonstrated progress in law enforcement actions against human traffickers last year, securing the convictions of five offenders under specific human trafficking provisions of the Criminal Code passed in 2005, marking the first convictions under these newer sections of the law. Section 279.01 of the Canadian Criminal Code prohibits most forms of human trafficking, prescribing a penalty of up to 14 years, imprisonment. Such penalties are sufficiently stringent and commensurate with those for other serious crimes, such as sexual assault. Section 118 of Canada,s Immigration and Refugee Protection Act, enacted in 2002, prohibits transnational human trafficking, prescribing a maximum penalty of life imprisonment and a \$1 million fine. Section 279.02 of the

Criminal Code additionally prohibits a defendant from receiving a financial or material benefit from trafficking, prescribing up to 10 years, imprisonment. Withholding or destroying a victim's identification or travel documents to facilitate human trafficking is prohibited by Section 279.03, punishable by up to five years in prison. Section 279.04(a) defines "exploitation" for purposes of the trafficking offenses as conduct which reasonably causes a victim to provide a labor or service because they believe their safety, or the safety of a person known to them, is threatened. Provincial governments secured the convictions of five offenders under trafficking-specific laws during the reporting period, obtaining sentences ranging from two to eight years, imprisonment. An additional 12 anti-trafficking prosecutions were pending before provincial courts as of late April 2009, involving 15 accused offenders.

This compares to 2007, when provincial governments obtained the convictions of three defendants for trafficking-related crimes under other laws; and 2006, when provincial governments achieved five trafficking-related convictions. While the majority of cases prosecuted in 2008 involved domestic sex trafficking, the government reported ongoing investigations of cases involving forced labor crimes and sex trafficking crimes involving foreign victims. NGOs criticize the government's law enforcement investigation efforts for not being proactive, particularly in terms of searching for victims and trafficking activity, especially in the labor exploitation context, since many foreign victims appear to enter Canada legally and are seldom identified when passing through immigration. Moreover, Canada's law enforcement efforts reportedly suffer from a lack of coordination between the national government, and provincial and local authorities, which prosecuted most human trafficking cases. Last year the Royal Canadian Mounted Police (RCMP) maintained anti-trafficking training efforts, and there were no reports of trafficking-related complicity by Canadian officials.

Protection

The government maintained protections for trafficking victims during the reporting period. Victim support services in Canada are generally administered at the provincial level. While each province or territory provides services for crime victims, including trafficking victims, they follow different models, sometimes leading to an uneven provision of services.

However, most jurisdictions provided access to shelter services, short-term counseling, court assistance, and specialized services, such as child victim witness assistance and rape counseling. Canada funded domestic NGOs, in addition to a national Victim's Fund, which made monies available to NGOs to fill in gaps in services for crime victims, including trafficking victims. Some NGOs and faith-based organizations have urged greater government support for trafficking victims, arguing that they have provided most victims, especially foreign trafficking victims, with shelter and services without government assistance. Undocumented foreign trafficking victims in Canada may apply for a temporary resident permit (TRP) to remain in the country. Fifteen trafficking victims received TRPs last year. During a 180-day reflection period, immigration officials determine whether a longer residency period of up to three years should be granted. Victims also may apply for fee-exempt work permits. TRP holders have access to essential and emergency medical care, dental care, and trauma counseling. However, some NGOs report difficulties with foreign trafficking victims securing TRPs and gaining access to services; some foreign trafficking victims reportedly elected to apply for refugee status instead of a TRP, claiming more secure benefits and an immigration status with which immigration officials appeared more familiar. Victims' rights are generally respected in Canada, and victims are not penalized for crimes committed as a direct result of being trafficked, though some NGOs have reported that some foreign trafficking victims have been arrested and deported without first being identified as victims. Canadian authorities encourage but do not require trafficking victims to participate in investigations and prosecutions of trafficking offenders. The government provided formal court assistance, in addition to the use of closed circuit television testimony and other victim-sensitive approaches to facilitate victims furnishing

evidence. The provinces of Quebec, Ontario, British Columbia, and Manitoba have established witness protection programs, but data is not available on the number of trafficking victims who have utilized this service. Law enforcement, immigration, and consular officials receive specialized training to identify trafficking victims.

Prevention

The government maintained strong anti-trafficking prevention efforts last year. The RCMP continued to conduct widespread awareness-raising activities, reaching approximately 4,000 civil society members, in addition to distributing anti-trafficking materials to law enforcement. The federal government partnered with the Canadian Crime Stoppers Association to launch a national awareness campaign encouraging the public to report suspected cases of human trafficking to a national toll-free hotline. The government funded a national charitable organization to pursue leads about suspected child predators on the Internet. The federal government provided a grant to the Assembly of Manitoba Chiefs to combat trafficking of aboriginal women and children. The Canadian immigration agency provided pamphlets and information to temporary foreign workers, including live-in caregivers, to let them know where to seek assistance in case of exploitation or abuse, as well as to recipients of &exotic dancer8 visas * which have been used to facilitate trafficking in the past * to inform them of their rights. Last year Canadian officials issued 14 exotic dancer permits, down from 15 in 2007 and 22 in 2006.

Canada is a source country for child sex tourists, and the country prohibits its nationals from engaging in child sex tourism through Section 7(4.1) of its Criminal Code. This law has extraterritorial application, and carries penalties up to 14 years in prison. Since 1997, approximately 110 formal charges have been filed against Canadians suspected of sexually exploiting children in foreign countries. Last year the Canadian government obtained the convictions of two offenders for sexually abusing young orphans in Haiti; the defendants were sentenced to two and three years, imprisonment. Canada,s Department of Foreign Affairs distributes a publication entitled &Bon Voyage, But(8 to warn Canadians traveling abroad about penalties under Canada,s child sex tourism law. The federal Interdepartmental Working Group on Trafficking in Persons is coordinating with British Columbia's Office to Combat Trafficking In Persons, the Vancouver Police, and the Vancouver Olympic Committee to incorporate anti-trafficking measures into the Olympics, broader security plan. The RCMP has six regional human trafficking awareness coordinators across the country including one based in Vancouver responsible for maintaining relationships with law enforcement and other partners. The RCMP recently updated its outreach and awareness materials, and is providing a human trafficking tool-kit to law enforcement officers across the country. Canada,s Department of National Defense follows NATO policy on combating trafficking in persons, and provides anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in

which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor

protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website .

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Canada again given a ranking of Tier 1?

A: The Government of Canada fully complies with the minimum standards for the elimination of trafficking. During the past year, the Canadian government maintained strong victim protection and prevention efforts, and demonstrated modest progress in prosecuting and punishing trafficking offenders, securing five trafficking-specific convictions during the past year. Law enforcement personnel, however, reported difficulties with securing adequate punishments against offenders.

Q2: What is the nature of Canada's trafficking problem?

A: Canada is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Canadian women and girls, many of whom are aboriginal, are trafficked internally for commercial sexual exploitation. Foreign women and children, primarily from Asia and Eastern Europe, are trafficked to Canada for commercial sexual exploitation, but victims from Africa, Latin America, and the Caribbean also have been identified. Many trafficking victims are from Thailand, Cambodia, Malaysia, Vietnam, China, South Korea, the Philippines, Russia, and Ukraine. Asian victims tend to be trafficked more frequently to Vancouver and Western Canada, while Eastern European and Latin American victims are trafficked to Toronto, Montreal, and Eastern Canada. NGOs report that Canada is a destination country for foreign victims trafficked for labor exploitation; some labor victims enter Canada legally but then are subjected to forced labor in agriculture, sweatshops, or as domestic servants. A significant number of victims, particularly South Korean females, transit Canada en route to the United States. Canada also is a source country for child sex tourists, who travel abroad to engage in sex acts with minors. Canada is reported to be a destination country for sex tourists, particularly from the United States.

Q3: What, if anything, can Canada do to improve its anti-trafficking efforts?

A: To advance its efforts to combat human trafficking, the Government of Canada could: intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; increase use of proactive law enforcement techniques to investigate trafficking cases, including allegations of labor trafficking; increase efforts to investigate and prosecute Canadians suspected of committing child sex tourism crimes abroad; provide greater protection and services for foreign trafficking victims; improve coordination among national and provincial governments on law enforcement and victim services; and improve data collection.

¶12. Post may want to highlight the work of Ben Perrin, a Hero in the Global Effort to Combat Trafficking in Persons honored by the Secretary of State in her 2009 TIP Report, in its engagement of local media.

Benjamin Perrin is a leading anti-trafficking activist in Canada and founder of The Future Group, an NGO dedicated to combating human trafficking and the child sex trade around the world. Mr. Perrin has advocated for the adoption of a Canadian national action plan and has pushed for stronger enforcement and more effective victim services. His 2006 report on Canada's treatment of victims led to the provision of temporary residence permits and medical assistance to trafficking victims. Mr. Perrin is the chair of the University of British Columbia's human trafficking working group. He has testified before Parliament on trafficking issues and consulted on the development of the 2008 Rio de Janeiro Pact against sexual exploitation of children. His investigations have identified a nationwide sex trafficking ring and dozens of cases in which Canada has been a transit and destination country. Mr. Perrin has several ongoing research projects that will provide Canada's first comprehensive account of human trafficking and propose concrete policy recommendations to increase the prosecution of traffickers and the protection of victims.

¶13. The Department appreciates posts, assistance with the preceding action requests.
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